

SITE PLAN REVIEW REGULATIONS

CITY PLANNING BOARD

CITY OF CONCORD
NEW HAMPSHIRE

1985

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NEW HAMPSHIRE

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Site Plan Review Regulations

TABLE OF CONTENTS

<u>Section Number and Title</u>	<u>Page</u>
1 AUTHORITY	
2 INTENT	
3 JURISDICTION	
4 ENACTMENT	
5 DEFINITIONS	
6 SITE PLAN REVIEW APPLICATION PROCEDURE AND APPROVAL PROCESS	
6.01 Preapplication Consultation	
6.02 Application Procedure and Requirements	
6.03 Consideration of, and Action on, the Application	
7 SPECIFICATION FOR PLANS AND DOCUMENTS TO BE SUBMITTED	
7.01 Classification of Large Scale Development	
7.02 General Information Required to be Shown on all Plans for all Categories of Large Scale Development	
7.03 Existing Conditions Plan	
7.04 Proposed Site Plan	
7.05 Architectural Elevations and Other Plans	
7.06 Documentation	
8 DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS	
8.01 General Requirements	
8.02 Street and Access	
8.03 Storm Water Drainage	
8.04 Water Supply	
8.05 Sanitary Sewage Disposal	
8.06 Non-Municipal Utilities	
8.07 Off-Street Parking and Loading	
8.08 Signs	
8.09 Preservation of Natural Features and Amenities	
8.10 Energy Conservation Design	
9 ADMINISTRATION AND ENFORCEMENT	
9.01 Amendments	
9.02 Conditions	
9.03 Interpretation, Conflict, and Separability	
9.04 Saving Provision	
9.05 Waivers	

TABLE OF CONTENTS

Page 2

Section Number and Title

Page

9.06 Enforcement, Violation, and Penalties
9:07 Appeals

10 FEES

10.01 Application Fee
10.02 Inspection Fee

APPENDIX

Figure #1

SECTION 1. AUTHORITY

1.01 Pursuant to the authority vested in the Concord Planning Board by the City of Concord, New Hampshire; and in accordance with the provisions of Chapter 36: Section 19-1, New Hampshire Revised Statutes Annotated, and with the provisions of the Municipal Code of Ordinances of the City of Concord, New Hampshire Chapter 28, Article 28-10, the Planning Board adopts the following regulations governing the review and approval or disapproval of site plans in the City of Concord, New Hampshire.

SECTION 2. INTENT

2.01 These regulations recognize that certain developments and uses of land, even though generally suitable for location in a particular zoning district, are, because of their nature, size, complexity or other indices of probable impact, capable of adversely affecting the public health, safety and welfare unless careful consideration has been given to certain critical design elements. It is the intent of these regulations to provide a vehicle for the review of an applicant's attention to such critical design elements within developments that are subject to review, and to allow the City Planning Board to approve, to approve with conditions, or to disapprove applications pursuant to these regulations.

SECTION 3. JURISDICTION

3.01 These regulations pertain to certain developments hereinafter referred to as Large Scale Developments which include non-residential uses located on lots of greater than 5 acres in size, or lots of any size which support more than one principle use.

Within a development comprising a Large Scale Development, no building permit shall be issued for the purposes of constructing a new structure or for the purpose of making exterior alterations to an existing structure, or for the purpose of changing the use of an existing structure, unless a Certificate of Approval has first been issued by the City Planning Board.

SECTION 4. ENACTMENT

4.01 These Site Plan Review Regulations are hereby adopted on July 2 1982.

SECTION 5. DEFINITIONS

5.01 Usage:

(A) For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

(B) Unless clearly indicated to the contrary: words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

(C) A "person" includes natural persons as well as a corporation, partnership, an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; "municipality" means City of Concord, New Hampshire and any term in the masculine shall include the feminine and the neuter.

(D) Words not specifically defined herein shall have their common meaning.

5.02 DEFINITIONS: For the purpose of these regulations, the following words shall be known and defined as:

ABUTTER: Abutter means any person whose property adjoins or is directly across the street, river, or stream from the land under consideration by the Planning Board; or such person as defined by NH RSA 36:23.

APPLICANT: the owner or designated agent of the owner of land proposed to be developed who seeks Planning Board approval as specified in these regulations.

BOND: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy. Any structure which is defined in Chapter 29, Building Code, or the Municipal Code of Ordinances, City of Concord.

CAPITAL IMPROVEMENT PROGRAM: A proposed twenty-year schedule of all future municipal projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

CITY ENGINEER: The Director of Public Works.

DENSITY DISTRICTS: Those zoning districts designated in terms of the minimum lot size expressed in square feet. The classifications are:

- (a) High Density - Those zoning districts in which the permitted minimum lot size is equal to or less than 10,000 square feet.
- (b) Medium Density - Those zoning districts in which the permitted minimum lot size is between 10,000 and 40,000 square feet.
- (c) Low Density - Those zoning districts in which the permitted minimum lot size is equal to or greater than 40,000 square feet.

DESIGN REVIEW COMMITTEE: The board established by the Planning Board to provide advisory design services.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ESCROW: A deposit of cash with the municipality in lieu of an amount required and still in force on a performance or maintenance bond.

FLOODPLAIN: The land adjacent to a body of water which has been or may hereafter be covered by flood water, as delineated on the official zoning map of the City of Concord.

FLOODWAY: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters of flood flows of any stream, as delineated on the official zoning map of the City of Concord.

FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. A line dividing a lot from a street.

GRADE: The slope of a road, street, or other public way, specified in percentage (%) terms.

IMPROVEMENTS:

- (a) Capital Improvements: As defined in the Municipal Code, Title I, Chapter 2.13, Article 2, or any physical public betterment or improvement and any preliminary studies and surveys relative thereto; the acquisition of property of a permanent nature; or the purchase of equipment for any public betterment or improvement when first erected or acquired.

(b) Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

(c) Public Improvement: Any drainage ditch, roadway, park, sidewalk, tree, off-street parking lot, lot improvement or other facility for which the City of Concord may ultimately assume the responsibility for maintenance and operation or for which the City's responsibility is already established.

(d) Temporary Improvement: An improvement built and maintained by a developer during construction of the development and prior to release of a performance bond.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A septic tank, seepage tile disposal system, or any other sewage treatment device approved by the State Water Supply and Pollution Control Commission.

LICENSED ARCHITECT: An architect properly licensed and registered in the State of New Hampshire.

LICENSED ENGINEER: An engineer properly licensed and registered in the State of New Hampshire.

LICENSED LAND SURVEYOR: A land surveyor properly licensed and registered in the State of New Hampshire.

LOT: The whole area of a single parcel of land, a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. A lot is an area with ascertainable boundaries in single or joint ownership, undivided by a street, established by deed(s) or record or a segment of land ownership defined by lot boundary lines on an approved subdivision plan.

MASTER PLAN REPORT: A comprehensive plan consisting of documents, maps, and reports for development of the City of Concord, prepared and adopted by the Planning Board, pursuant to N. H. RSA 36:13-15, and including any part of such plan separately adopted and any amendment or parts to such a plan.

OFF-SITE: Any premises not located within the area of the property to be developed, whether or not in the same ownership of the applicant for development approval.

OFFICIAL MAP: The map established by the City of Concord pursuant to N. H. RSA 36:16-18 and Title 1, Chapter 14 of the Municipal Code of Ordinances showing the streets, highways, and parks and drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the City of Concord or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations.

PLANNING BOARD: The City of Concord's Planning Board established in accordance with N. H. RSA Chapter 36.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

STREET CLASSIFICATION: For the purpose of providing for the development of the streets, highways, roads, and right-of-way in the municipality, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the City of Concord and classified therein. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the City of Concord and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan Report. The required improvements shall be measured as set forth for each street classification on the Official Map. The following classifications are:

- (a) Highway, Limited Access: A freeway, or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

(b) Primary Arterial: A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas.

(c) Secondary Arterial: A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices and/or designed to carry traffic from collector streets to the system of primary arterials.

(d) Collector Street: Those which carry traffic from minor streets to the major system or arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

(e) Minor Streets: Those streets carrying through traffic but used primarily for access to abutting properties.

(f) Marginal Access Streets: Minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

(g) Cul-de-sac: A local street designed as a permanent dead-end, with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movements.

(h) Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

SUBDIVISION REGULATIONS: Refers to the Subdivision Regulations of the City of Concord, New Hampshire.

WETLAND: Those areas identified and delineated by the U. S. Soil Conservation Service as very poorly drained soils.

ZONING: Refers to the Zoning Ordinance of the City of Concord, New Hampshire as provided in the Municipal Code of Ordinances, Chapter 28.

ZONING BOARD OF ADJUSTMENT: The Zoning Board of Adjustment of the City of Concord, New Hampshire as

provided for in the Zoning Ordinance of the City of Concord.

SECTION 6. SITE PLAN REVIEW APPLICATION PROCEDURE AND APPROVAL PROCESS

6.01 Preapplication Consultation:

Prior to the preparation of plans and documents for formal application for approval of a Large Scale Development, the applicant may seek a preapplication consultation with the Planning Board.

(A) The applicant may seek the advice of the Planning Board only at a regularly scheduled meeting when the agenda category of "Pre-Application Consultation" or "other business" is called. A preapplication consultation may be sought for the purpose of discussing Planning Board procedures, policies, standards and conclusions, derived from the Master Plan Reports, which reflect community resources, needs and goals; so that potential applicant may evaluate whether his development concept is consistent with these regulations prior to submittal of an application.

(B) The Planning Board and developer may discuss proposals in conceptual form only, and in general terms, such as the desirability of types of development. No written or formal application may be made at that time.

(C) Preapplication Consultation shall not bind either the potential applicant or the Board.

(D) An application may be submitted no earlier than the next regular meeting of the Planning Board.

6.02 Application Procedure and Requirements

(A) An owner of land which is subject to these regulations, or his agent, shall file an application with the Planning Board for their review and approval pursuant to these regulations. The board will only consider completed applications. A completed application is one which shall:

(1) be made on forms available at the Planning Department office and submitted at least twenty (20) days in advance of the meeting at which the board will receive the application.

(2) include the application fee which is due and payable upon submission;

(3) be accompanied by five (5) copies of the site plan and five (5) copies of each other required plan;

(4) be accompanied by all plans and documents required in Section 7, in accordance with design requirements of Section 8;

(5) be accompanied by all formal legal instruments where required in these regulations; deeds, easements, and irrevocable offers of dedication to the public of all streets, utilities, and parks, in a form provided by the City Solicitor;

(6) be accompanied by the performance bond where required in these regulations, in a form satisfactory to the City Solicitor and in an amount established by the Planning Board;

(7) be accompanied by an inspection fee where required in these regulations in an amount to be determined on the basis of the provisions of these regulations;

(8) be accompanied by written assurance from the public utility companies that proposed utilities will be installed in accordance with plans submitted as part of the application.

(B) Notice to Applicant, Abutters and Public. The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date of the meeting at which the application will be formally received by the board. Notice will be mailed at least ten (10) days prior to the date of the meeting. The Planning Board shall notify the public at the same time by posting the notice at City Hall, City Library and the Police Station Kiosk.

(C) Determination if Application is Complete. Upon receipt of an application, the board shall determine if the application is complete pursuant to Section 6.02(A) above. If it is determined that the application is incomplete, the board shall take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the board.

(D) Public Hearing. The Planning Board shall hold a public hearing on the completed application. Notice of the public hearing shall be given as described in 6.02(B) above. Any abutter or any person showing a direct interest in the matter may testify in person or in writing.

6.03 Consideration of, and Action on, the Application:

(A) Period of Consideration. The board shall have ninety (90) days within which to consider and act on the application. The ninety (90) day period shall commence upon the date of the regular meeting of the board on which the application was accepted as complete.

(B) Board Action. Subsequent to the holding of a public hearing, and after the Planning Board has reviewed and considered the application, Planning Department reports and Design Review Committee recommendations, the applicant shall be advised of any required changes or additions. The Planning Board shall approve, modify and approve, or disapprove the application by resolution which shall set forth any conditions by which the approval is subject, or state the grounds for disapproval. A copy of the resolution shall be forwarded to the applicant.

(C) Issuance of the Certificate of Approval. Upon endorsement by the Chairman of the Board, the resolution of approval shall become the Certificate of Approval. The original of the certificate shall be placed on file in the board's office, one copy shall be provided to the applicant, and one copy shall be sent to the Code Enforcement Administrator.

(D) Effective Period of the Certificate of Approval. The Certificate shall be valid for a period of two (2) years from the date of the resolution of approval. All permits shall be issued, all bonded improvements shall be completed, and all other improvements shall be substantially completed within said two (2) year period or other such period as the board may specify.

SECTION 7 SPECIFICATIONS FOR PLANS AND DOCUMENTS TO BE SUBMITTED

7.01 Classification of Large Scale Development:

For the purposes of these regulations, Large Scale Development shall be divided into the following categories:

(A) Class A - A development which will take place on land which is undeveloped or vacant, or land which will be made vacant by removal of existing structures.

(B) Class B - A development which involves substantial redevelopment of, or additions to, an existing development. Substantial redevelopment or a substantial addition shall be deemed to include anything equal to or in excess of a 10% increase in lot coverage, whether by structure or pavement.

(C) Class C - A development which involves a limited amount of redevelopment of, or additions to, an existing development. Anything less than a 10% increase in lot coverage shall be deemed to be a limited amount of redevelopment or addition to an existing development.

(D) Any increase in lot coverage will be determined by the following formula:

$$\begin{array}{rcl} \text{Percent Increase} & \text{Proposed Additional} & \text{Proposed} \\ \text{Additional} & & \\ \text{In Lot Coverage} & \text{Ground Floor Area +} & \text{Paved Area} \\ \text{X 100} & & \\ & = & \text{Existing Ground Floor} \quad \text{Existing Paved} \\ & & \text{Area} \quad \text{Area} \end{array}$$

7.02 General Information Required to be Shown on All Plans For All Categories of Large Scale Developments:

(A) A Title Block, including:

- (1) title of plan;
- (2) owner's name and address, and that of an agent, if any;
- (3) the date the plan was prepared and date of subsequent revisions;
- (4) scale of the plan; and
- (5) name, address, and seal of the preparer of the plan.

(B) Space should be left in the bottom right hand corner for the City approval stamp.

(C) North arrow

(D) Scale bar

(E) A Location Plan at a minimum scale of 1"=400' which shall show:

- (1) property lines of the parcel to be developed;
- (2) names and locations of existing adjacent City streets including the nearest intersection of said streets;
- (3) names and locations of existing adjacent watercourses and water bodies

- (4) nearby community facilities such as schools, churches, or parks
- (5) City of Concord Assessor's lot number for the parcel to be developed and for parcels of abutters; and
- (6) Zoning district designations and boundaries.

7.03 Existing Conditions Plan:

(A) The Existing Conditions Plan for all categories of Large Scale Development shall show:

- (1) the property lines of the parcel to be developed;
- (2) the full names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application;
- (3) the location, layout, and use of existing buildings and structures;
- (4) the location and layout of existing driveways, curb cuts, parking lots, and loading areas, including the total number of parking spaces;
- (5) the location, traveled way width, and right-of-way of all existing adjacent City streets, as well as mapped future streets;
- (6) the location, width and purpose of any easements or rights-of-way;
- (7) the presence of municipal and non-municipal utilities which currently serve the site, and the location of wells and subsurface waste disposal systems if not served by municipal water and sanitary sewer systems;
- (8) a notation as to whether or not the property is located in a Floodway or Floodplain Zoning District, and the location of the boundary line of either or both districts if such lines pass through the property;
- (9) the location and size of existing ground signs;
- (10) the yard setbacks as required in the Zoning Ordinance.

(B) For Class A and B Large Scale Developments, in addition to the information required in Section 7.03(A), the following shall be required:

(1) the plan shall be prepared by a registered land surveyor or engineer who shall sign the plan and place his seal upon it;

(2) the plan shall be prepared at a minimum scale of 1"=50' and shall show the following:

(a) topographic lines, at a minimum of two (2) foot contour intervals;

(b) the identification and classification of the extent and type of soils using the USDA Soil Conservation Service system, specifically identifying those soils recognized as wetlands and those important for agriculture;

(c) existing natural features including vegetation, rock outcrops, and surface water bodies and courses;

(d) existing adjacent public buildings, parks or open space, or any historic structures or features;

(e) the bearings and dimensions of the property lines, and the area (in square feet) of the lot;

(f) the type and location of existing solid waste disposal facilities;

(g) the type and location of existing outdoor lighting;

(h) additional utility information including:

(i) the location, size and invert elevations of existing sanitary and storm sewers including all manholes, catch basins, and culverts, and

(ii) the location and size of all existing water mains including hydrants, gates, valves and blowoffs.

(C) For Class C Large Scale Developments, the Board may require any or all of the information specified in 7.03 above as well as the following:

7.04 Proposed Site Plan:

(A) The proposed site plan for all categories of Large Scale Development shall show all of the information as required in 7.03 above as well as the following:

(1) the location, dimensions, layout and use of all proposed new buildings or structures, or additions to existing buildings and structures;

(2) the location, layout and dimensions of proposed driveways, curb cuts, parking lots, and loading areas, including the number of parking spaces and the designation of spaces for standard size and compact vehicles, and spaces reserved for the handicapped;

(3) the location of all proposed connections to municipal and non-municipal utilities, and the location of proposed wells and subsurface waste disposal systems if the site is not served by municipal water and sanitary sewer systems;

(4) the layout of proposed storm drainage facilities including detention and retention ponds, swales and culverts, in the absence of, or as a supplement to, municipal storm sewers;

(5) the location, width, and purpose of any proposed easements or right-of-way; and

(6) the location, size, colors and copy of proposed ground signs.

(B) For Class A and Class B Large Scale Developments, in addition to information required in Section 7.04(A) the following shall be required:

(1) the plan shall be prepared by a registered engineer or surveyor who shall sign the plan and place his seal upon it;

(2) the plan shall be prepared at a minimum scale of 1"=50' and shall show the following:

(a) the proposed contours at a minimum of two (2) foot intervals and finished grade elevations;

(b) the proposed finished first floor elevations of all proposed buildings or building additions;

(c) the type and location of proposed solid waste disposal facilities;

(d) the type and location of proposed outdoor lighting;

(e) landscaping, which may be shown on a separate copy of the site plan, and which shall include:

i) the location, size and type, including common and botanical names of all new plant materials to be installed;

ii) the location, size, and common name of all existing plant material to be retained or relocated on the site;

iii) the location, width, and material of all walkways and pathways; and

iv) the location, type, materials, and dimensions of all fences, walls, and outdoor recreational facilities.

(f) fire lanes and other access easements for fire apparatus;

(g) additional utility information, which may be shown on a separate copy of the site plan, and which shall include:

i) the location, size and invert elevations of proposed sanitary and storm sewers including all manholes, catch basins, and culverts;

ii) the location and size of all proposed water mains including hydrants, gates, valves and blowoffs;

iii) the location of any pump stations, lift stations, and other appurtenant facilities or structures;

iv) profiles of all municipal utilities;

v) the location and size of all non-municipal utilities including but not limited to gas lines, electric transmission lines, telephone lines, cable television, steam mains, and fire and police alarm lines. The location of all manholes, transformers, poles, and other appurtenant facilities shall be shown; and

vi) in the absence of municipal sanitary sewers, the soil data and test results as submitted to the State of New Hampshire Water Supply and Pollution Control Commission for approval of a subsurface waste disposal system.

7.05 Architectural Elevations and Other Plans:

(A) Applications for all categories of Large Scale Development shall include the following additional plans:

(1) architectural elevations of all sides of all new buildings which are proposed to be altered in any way. The elevations shall:

(a) be prepared by a registered engineer or architect who shall sign the plan and place his seal upon it;

(b) be prepared at a minimum scale of 1/8"=1' and shall show the following:

i) exterior materials and colors;

ii) type and pitch of roofs;

iii) size and spacing of windows, doors, and other openings;

iv) size, location, colors, and copy of signs to be affixed to, or hanging from the building;

v) size, type, and location of towers, chimneys, roof structures, flagpoles, antennas and other similar structures; and

vi) the relationship in bulk and height to other existing structures in the vicinity.

(B) For Class A and Class B Large Scale Developments, in addition to plans required in Section 7.05(A), the following shall be required:

(1) all plans required in this section shall be prepared by a registered engineer who shall sign the plans and place his seal upon them;

(2) plans, profiles, and cross-sections of proposed public streets and those existing adjacent public streets that are required to be improved pursuant to Section 8 of these regulations; and

(3) profiles of all proposed extensions of municipal utilities both on and adjacent to the site.

(C) For Class C Large Scale Developments, the Board may require any or all of the information specified in 7.05(B) if it is deemed necessary for the evaluation of the application.

7.06 Documentation:

(A) Applications for all categories of Large Scale Development shall include the following documents:

(1) a completed application form, endorsed by the property owner and his agent, which shall include:

(a) a statement describing the development including the use or uses to be conducted on the lot, any change of an existing use, or augmentation to an existing use;

(b) information sufficient to determine whether the development complies with the Zoning Ordinance;

(c) requests for waivers, if any;

(d) if the development is to be staged or phased, a description of the project in terms of such stages or phases; and

(e) the names and addresses of all registered professionals who participated in the preparation of any aspect of the application materials.

(2) a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application.

(B) For Class A and B Large Scale Developments, in addition to the requirements of Section 7.06(A), the following shall be required:

(1) a Statement of Environmental Impact which shall comply with all requirements of the Zoning Ordinance and be substantiated with data and professionally certified information including the following:

(a) statement of adequacy of proposed parking for the use intended:

(b) statement of effect of the proposed development on pedestrian and vehicular circulation within the City;

(c) statement of impact of the proposed development upon municipal utilities, facilities, and services including water supply, sanitary sewers, storm sewers, fire protection, police protection, solid waste disposal, and highways;

(d) where municipal storm sewers are not available or can only partially serve the development, a statement of the suitability of the proposed storm water drainage system shall be submitted including a ten (10) year runoff estimate as calculated by a registered engineer, providing an analysis of the site in its fully developed state;

(e) statement of impact of the proposed development on natural resources and environmental quality within the City including but not limited to water quality, air quality, noise levels, wetlands, soil erosion, and agricultural lands, and a statement of pollution control and impact mitigation measures.

(f) statement certifying ownership of the land upon which the development is proposed; and

(g) where applicable, the applicant shall prepare a statement detailing flood elevation data for the proposed development based on the City's official floodplain maps of the Merrimack River adopted on February 1, 1977 and dated 1966 and the maps of the Federal Emergency Management Agency Flood Boundary and Floodway Maps of the City of Concord, adopted February 1980 and dated March 4, 1980.

(2) Drafts of deeds, easements, agreements and other legal documents, including the following, where applicable:

(a) deeds of land to be conveyed to the City for streets or other public purposes;

(b) deeds of easement and rights-of-way;

(c) covenants;

(d) articles of incorporation of a landowner's association and the by-laws of the association;

(e) the condominium declaration, as it has been prepared for submittal to the State of New Hampshire Attorney General; and

(f) agreements between the applicant and the City regarding public improvements or other matters.

(3) Certification of the following:

(a) any and all actions of the Zoning Board of Adjustment relative to the application;

(b) actions of the Concord City Council on any petitions for municipal utility extensions;

(c) assurances from public utility companies that necessary non-municipal utilities will be installed in accordance with plans submitted with the application; and

(d) the actions of any regulatory body of the State of New Hampshire having jurisdiction over any element of the development, said regulatory bodies including but not limited to:

i) Water Supply and Pollution Control Commission;

ii) Air Resources Agency;

iii) Water Resources Board;

iv) Wetlands Board; and

v) Department of Public Works and Highways.

(C) For Class C Large Scale Developments, in addition to documents required in Section 7.06(a), the following shall be required:

(1) a Statement of Environmental Impact including all elements required in Section 7.06(B)(1) which are applicable to the development. Elements which are not applicable to the proposed development shall be clearly indicated as such, and

(2) any or all of the documents as specified in Sections 7.06(B)(2) and (3) if deemed necessary for the evaluation of the application by the Board.

SECTION 8. DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS

8.01 General Requirements:

(A) Conformance to Applicable Laws, Rules and Regulations. In addition to the requirements established herein, all developments shall comply with the following laws, rules and regulations.

(1) all applicable statutory provisions and all rules and regulations promulgated in accordance with such provisions;

(2) the zoning and health ordinances, building and housing codes, and all other applicable ordinances of the City of Concord; and

(3) the Master Plan Reports, Official Map, and Capital Improvements Program of the City.

(B) Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the development greater than those required by the Zoning Ordinance or these regulations, such restriction or reference thereto may be required to be indicated on the site plan, or the Planning Board may require that restrictive covenants be recorded with the County Registry of Deeds in form to be approved by the City Solicitor.

(C) Specification References.

(1) Reference to State specifications shall mean Standard Specifications for Road and Bridge Construction of the New Hampshire Department of Public Works and Highways, as most recently adopted.

(2) Reference to Uniform Traffic Control Devices shall mean the Manual on Uniform Traffic Control Devices for Street and Highways, published by the U.S. Department of Transportation, Federal Highway Administration.

(D) Applicability of this Section. This section shall apply to all classes of Large Scale Development.

8.02 Streets and Access:

(A) General Requirements: All developments shall make adequate provision for a safe and suitable access to an existing public street or shall make provision for the construction and dedication of a public street in order to obtain safe and suitable access to the development site. Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said

street shall be provided for. Where traffic from a proposed development will adversely impact an adjacent street or intersection, provision shall be made for the mitigation of said impacts.

(B) Required Improvements:

(1) All developments shall provide for a safe and satisfactory access from a public street. Developments shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be necessary, the Planning Board may require that such lot be served by a combined access drive serving several lots in order to limit possible traffic hazard on such street.

(2) Wherever, in the opinion of the Board, safe and satisfactory access cannot be gained from an existing public street, the Board may require the construction and dedication of a public street.

(3) Wherever, in the opinion of the Board, traffic generated by a development will adversely impact existing public streets or the intersection of public streets, the Board may require improvements to be made to such streets and intersections in an effort to mitigate such impacts.

(C) Design Standards

(1) Wherever a public street is to be constructed and dedicated, said street shall be designed and constructed in accordance with the standards for public streets contained in the Subdivision Regulations, including but not limited to right-of-way width, traveled way width, grade, base, pavement, shoulders, sidewalks, grass strips, street trees, street lights, and street signs.

(2) Wherever an existing public street is substandard with regard to the standards established in the Subdivision Regulations, said street shall be improved in all respects, including the dedication of additional right-of-way, so that it will conform to the standards set forth for public streets in the Subdivision Regulations.

(3) Wherever a public street, or the intersection of public streets will be adversely impacted by traffic generated by a development, said street or intersection shall be improved in accordance with standards established by the City Engineer, said improvements shall include but not be limited to the

installation of traffic signals, the construction of additional lanes for turning movements, and the construction of raised islands or barriers for channelization of traffic.

(4) Where a development borders on an existing arterial street, the Board may require that access from the development to the street be accomplished by means of the construction of a marginal access or service road, parallel to and separated from the arterial with access to the arterial at suitable points.

8.03 Storm Water Drainage:

(A) General Requirements: All developments shall make adequate provisions for storm water disposal facilities which shall be designed by a registered engineer. Where municipal storm sewers are available, the extension of said sewers to and within a proposed development shall be required. If municipal storm sewers are not available, swales and drainageways shall be provided within specified easements to carry storm water to existing water courses or existing storm drains. If the storm water drainage system creates any additional flow over other properties, the developer shall obtain easements therefore from the owners of said properties.

(B) Required Improvements:

(1) Municipal Storm Sewers: For developments in high density districts, municipal storm sewers shall be required. For developments in medium and low density districts, municipal storm sewers shall be required if available within 1500 feet of the premises or as otherwise determined by the Board. Where municipal storm sewers are not available at the time of application, but said storm sewers will become available in the future because of inclusion in the Capital Improvement Program, the applicant shall install a municipal storm sewer system, ready for connection to the municipal system at the time of its expansion.

(2) Storm Water Drainage System: Where municipal storm sewers are not required under Section 8.03(B)(1), a system shall be required to be designed and constructed to carry away all surface runoff.

(C) Design Standards:

(1) Municipal Storm Sewer Systems: Storm water runoff shall be carried away in a sub-surface, piped

storm sewer system. Such drainage facilities shall be located in the road right-of-way where feasible and shall be constructed in accordance with the standards and specifications of the City of Concord. When located in the right-of-way, storm sewers shall be located in accordance with the standard street cross-section. (See Figure #1.) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty-five (25) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(2) Storm water Drainage System: When public storm sewers are not required, subsurface water runoff shall be carried away in a system of swales, drainageways, culverts, and channels to a natural watercourse or to other drainage facilities. Where a development is traversed by a watercourse, drain water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Planning Board.

(3) Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

(4) Effect on Downstream Drainage Areas: When a proposed drainage system will carry water across land outside the development, appropriate drainage rights must be secured and indicated on the site plan. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility, the Planning Board may withhold approval of the development until provision has been made for the improvement of said condition. Alternatively upon recommendation from the City Engineer, the Board may approve on-site retention or

detention facilities to prevent the overloading of existing downstream facilities.

(5) Flood Plain Areas: The Planning Board may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste materials, or stumps, except at the discretion of the Planning Board.

(6) Areas of Poor Drainage: The Planning Board may prohibit the development of any portion of the property identified as wetland, and may require the preservation and dedication of such. In areas containing poorly drained soils, including areas subject to a fluctuating water table, the Board may require that studies be prepared by a registered engineer relative to the impact of groundwater on the storm drainage system. Depending upon the nature and magnitude of the impacts so identified, the Board may prohibit the development of those portions of the property.

8.04 Water Supply

(A) General Requirements: All developments shall make adequate provision for a supply of potable water for domestic consumption and for water supply for fire protection purposes. Where a municipal water supply system is available, the extension of said system to and within a proposed development shall be required. If municipal water supply is not available, water shall be provided by individual wells or a private central system. All water supply systems and facilities shall be designed by a registered engineer.

(B) Required Improvements

(1) Municipal Water System: For development in High and Medium Density Districts, a municipal water system shall be required. For development in Low Density Districts, a municipal water system shall be required if available within 1500 feet of the premises or as otherwise determined by the Board. Where a municipal water system is not available at the time of the application, but said water system will become available in the future because of inclusion in the Capital Improvement Program, the

applicant shall install a municipal water system, ready for connection to the municipal system at the time of its expansion.

(2) Non-Municipal Water Supply: Where a municipal water system is not required under Section 8.04(B)(1), water supply shall be provided through private well on individual lots or by a private central system.

(C) Design Standard

(1) Municipal Water System: The applicant shall install facilities for the supply and distribution of water, including fire protection capabilities, in a manner prescribed by the construction standards and specifications of the City of Concord. Water mains shall be located within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, water mains and appurtenant facilities shall be located in accordance with the standard street cross-section (See Figure #1). When water mains are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be twenty-five (25) feet in width, and shall provide satisfactory access to a street.

(2) Non-Municipal Water Supply: Where municipal water supply is not required, water supply shall be provided through either of the following methods:

(a) individual private wells, the location of which shall comply with all standards of the New Hampshire Water Supply and Pollution Control Commission; or

(b) a private central water system, serving two or more lots or users, which shall conform and meet all standards set for community water services as established by the New Hampshire Water Supply and Pollution Control Commission (WSPCC) even though the WSPCC may not invoke jurisdiction in all cases.

8.05 Sanitary Sewage Disposal:

(A) General Requirements: All developments shall make adequate provisions for sanitary sewage disposal facilities which shall be designed by a registered engineer. Where municipal sanitary sewers are available, the extension of said sewers to and within a proposed development shall be required. If municipal sanitary sewers are not available, sanitary sewage disposal shall

be accomplished through the provision of individual waste disposal systems or a private central sewerage system.

(B) Required Improvements

(1) Municipal Sanitary Sewers: For development in High and Medium Density Districts, municipal sanitary sewers shall be required. For development in Low Density Districts, municipal sanitary sewers shall be required if available within 1500 feet of the premises or as otherwise determined by the Board. Where municipal sanitary sewers are not available at the time of application, but said sanitary sewers will become available in the future because of inclusion in the Capital Improvements Program, the applicant shall install a municipal sanitary sewer system, ready for connection to the municipal system at the time of its expansion.

(2) Non-Municipal Sanitary Sewage Disposal: Where a municipal sanitary sewer system is not required under Section 8.05(B)(1), sanitary sewage disposal shall be provided central sewage system.

(C) Design Standard

(1) Municipal Sanitary Sewers: The applicant shall install sanitary sewer facilities to serve each lot or dwelling unit in a manner prescribed by the construction standards and specifications of the City of Concord. Sanitary sewers shall be located within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, sewers shall be located in accordance with the standard street cross sections (See Figure #1). When sewers are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be twenty-five (25) feet in width, and shall provide satisfactory access to a street.

(2) Non-Municipal Sanitary Sewage Disposal: Where municipal sanitary sewers are not required, sanitary waste disposal may be accomplished by either of the following methods:

(a) individual disposal systems, the design and location of which shall be approved by the State of New Hampshire Water Supply and Pollution Control Commission. Said systems shall be located on private property, no closer than seventy-five (75) feet to a watercourse, a water body, a wetland, or a well that is being used as a source of water supply; or

(b) a private central sewerage system, the design and location of which shall be approved by the State of New Hampshire Water Supply and Pollution Control Commission. Maintenance and operating costs of said system shall be assessed against the development.

8.06 Non-Municipal Utilities:

(A) General Requirements. All developments shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the development. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans provided by the Board pursuant to these regulations.

(B) Design Standards

(1) Location: Except in Industrial Zoning Districts, all utility facilities including, but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the development. Whenever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground.

8.07 Off-Street Parking and Loading:

(A) General Requirements: All developments shall make adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the safety and convenience of pedestrian and vehicular movement on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses.

(B) Required Improvements: Every development shall provide an area for parking and loading on the site which is paved and drained. The number of parking and loading spaces shall conform to the requirements in the Zoning Ordinance.

(C) Design Standards

(1) The design and layout of parking and loading spaces, screening, and landscaping shall conform to the requirements of the Zoning Ordinance and these regulations;

(2) Each and every parking space shall have a safe and independent access;

(3) Provision shall be made on-site for the storage of snow which is removed from the parking and loading areas during the winter months;

(4) Parking and loading areas and driveways shall be paved to either of the following standards:

(a) 3" Type 1-1 hot asphaltic concrete plant mixed per State specifications, Section 403; or

(b) Double bituminous surface treatment per State specifications.

(5) The following dimensional standards shall pertain to parking at some angle to an aisle. The length and width describe a rectangle that would enclose a vehicle parking in that space:

(a) a space for a standard size automobile shall be 9 feet wide and 19 feet long;

(b) a space for a compact size automobile shall be 7.5 feet wide and 15 feet long;

(c) a space for a vehicle for the handicapped shall be 12 feet wide and 19 feet long;

(d) an aisle shall be 24 feet in width, except where spaces are at an angle of 30° to 60° to an aisle, the width of such an aisle may be reduced to 20 feet.

8.08 Signs:

(A) General Requirements. Signs are intended for the identification of the use of the site on which they are located. Signs shall not obscure or obstruct architectural features of a building on which they are located nor shall signs be a hazard or nuisance by virtue of their location or illumination.

(B) Design Standards. Sign size, type, location, height, and illumination shall conform to the requirements of the Zoning Ordinance.

8.09 Preservation of Natural Features and Amenities:

(A) General Requirements:

(1) Existing features which would add value to residential, commercial, or industrial development or to the City as a whole, such as trees, groves, watercourses and falls, beaches, historic spots,

vistas and similar irreplaceable assets, shall be preserved in the design of the development. No trees shall be removed from any site nor any change of grade of the land effected until approval of the development has been granted. Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Particular attention should be given to natural features suitable as buffer strips between residential subdivisions abutting commercial or industrial areas. Similar natural features that provide buffers between lots, or sections of a development should be preserved to enhance privacy and attractiveness. Provisions for clearing may be made for southerly exposure for solar access to dwellings or buildings. All trees, where required, shall be welled and protected against change of grade.

(2) If the Planning Board finds certain land to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future users of the development, inhabitants of the surrounding area, or residents of the City, said land shall not be developed unless adequate methods are formulated by the developer and approved by the Planning Board to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such danger.

(3) Developments shall use construction methods which cause the least disturbance to the environment possible. No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance or a certificate of occupancy, and removal of same shall be required prior to issuance of a certificate of occupancy. Nor shall any debris be left or deposited in any area of the development at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

8.10 Energy Conservation Design:

(A) General Requirements. To protect community welfare and provide for more efficient use of community facilities, the Planning Board shall consider conservation of energy in the design of developments to include the following:

(1) Pedestrian and bicycle routes safely separated from automobile traffic.

(2) Commuter traffic lanes.

(3) Orientation and design of buildings for southerly solar access and minimum northerly exposure.

(4) Lots to be cleared and graded so that a southerly solar access is provided for. Consideration shall be given to slope, height of nearest trees, structures, fences, walls or other permanent obstacles. The Planning Board may waive south-facing design requirements where an applicant shows a need for solar access and the intent and purpose of the regulations are maintained.

SECTION 9. ADMINISTRATION AND ENFORCEMENT

9.01 Amendments: For the purpose of providing for the public health, safety, and general welfare, the Planning Board may from time to time amend, change, alter, add or rescind the provisions imposed by these regulations. Notification, publication, public hearings, and certification of all proposed amendments shall be accomplished by the Planning Board in accordance with Chapter 36 of the New Hampshire Revised Statutes Annotated.

9.02 Conditions:

(A) Regulation of the development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future owners of the development and of the community at large.

(B) The Planning Board may require a bond, in an amount and with surety and conditions in lieu of completion of such work and installations previous to the issuance of a Certificate of Approval. Bond provisions may be required for actual construction and installation of improvements and utilities within a specified time period.

(C) The Planning Board may also require a maintenance bond so that the City is placed in an assured position that the completed improvements and utilities will remain in satisfactory condition for a period of one (1) year.

9.03 Interpretation, Conflict and Separability:

(A) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) Conflict with Public and Private Provisions.

(1) Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive, impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provision of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Board in approving a development or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

(C) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

9.04 Saving Provision: These regulations shall not be construed as abating any action now pending under, or by virtue of, prior

existing regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

9.05 Waivers:

(A) General: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Section 8 of these regulations or the purposes of this section may be served to a greater extent by an alternative proposal, it may approve waivers to Section 8 of these regulations to that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) the granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property is located;

(2) the conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;

(3) because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

(4) the waiver will not, in any manner, vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.

(B) Conditions. In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(C) Procedures. A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for the consideration of the Planning

Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

9.06 Enforcement, Violations, and Penalties:

(A) General.

(1) It shall be the duty of the Clerk of the Planning Board to bring to the attention of the Code Enforcement Administrator and the City Solicitor any violations or lack of compliance herewith.

(2) Within a development comprising a Large Scale Development, no building permit shall be issued for the purpose of constructing a new structure, or for the purpose of making exterior alterations to an existing structure, or for the purpose of changing the use of an existing structure unless a Certificate of Approval has first been issued by the City Planning Board.

(3) No Certificate of Occupancy for any building in a Large Scale Development shall be issued prior to the completion of all improvements, and the dedication of any public improvements to the City of Concord, as required in the Certificate of Approval for the Large Scale Development.

(B) Violations and Penalties. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine as provided in Section 53 of the City Charter for each offense. Each day of the existence of the violation shall be deemed a separate offense.

(C) Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy, of a building structure or premises, and these remedies shall be in addition to the penalties described above.

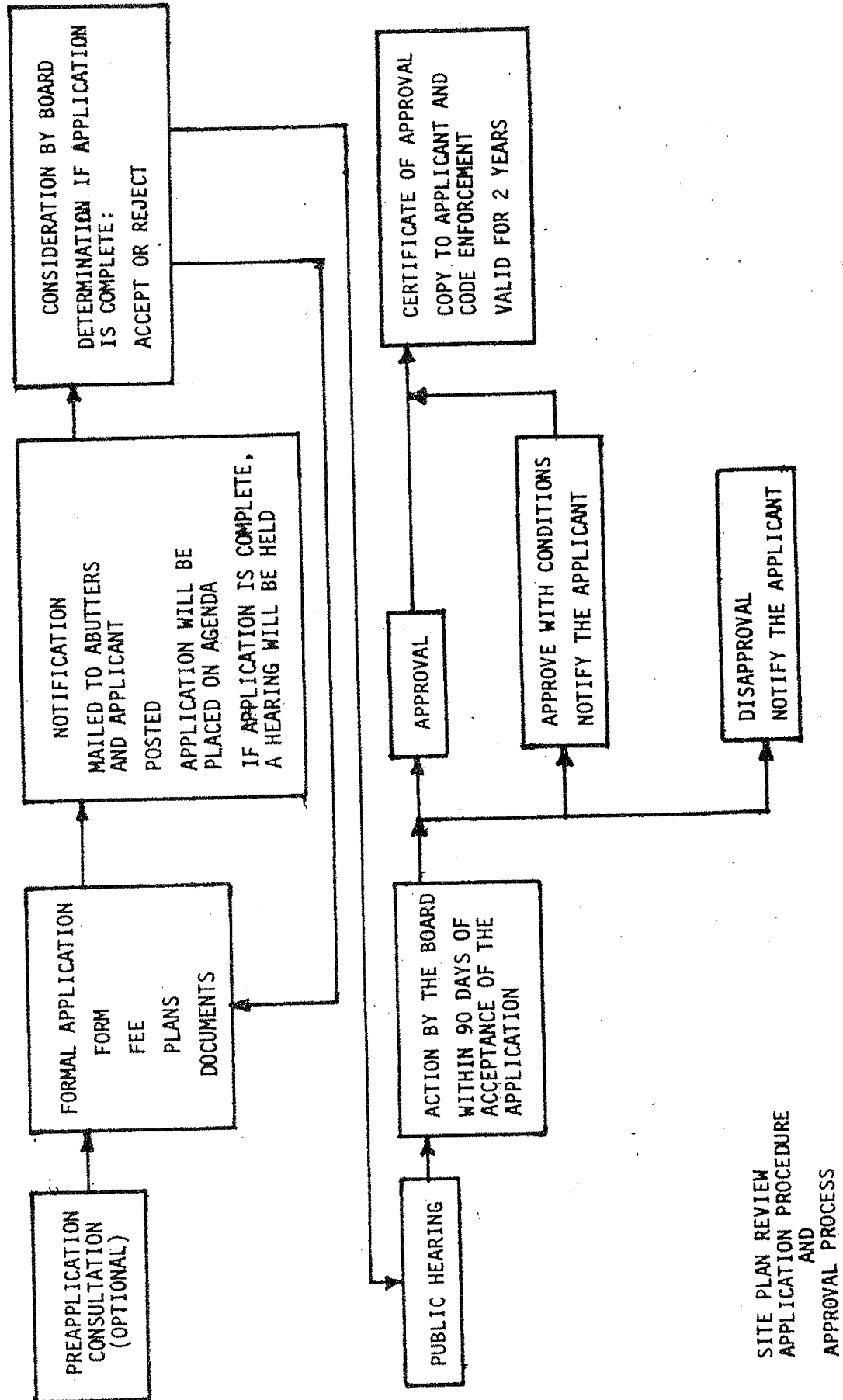
9.07 Appeals: Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court as provided by New Hampshire RSA, 36:34.

SECTION 10. FEES.

10.01 Application Fee: Any application for approval of a Large Scale Development shall be accompanied by a non-refundable fee of (\$35.00) thirty-five dollars plus (\$8.00) eight dollars per one

thousand square feet of new or redeveloped floor space proposed in the application.

10.02 Inspection Fee: Where public improvements are required to be made as part of the development, the applicant shall pay to the City of Concord an inspection fee of two percent (2%) of the amount of the performance bond or the established cost of the required improvements.



SITE PLAN REVIEW
APPLICATION PROCEDURE
AND
APPROVAL PROCESS

AMENDMENTS TO SITE PLAN REVIEW REGULATIONS

August 1990

City Planning Board
City of Concord, New Hampshire

8/29/90

Add a new section 8.11 to read as follows:

8.11 Architectural Design Guidelines and Standards:

(A) A Design Review Committee, consisting of not less than five (5) and no more than seven (7) members with training or experience in architectural design, landscape architecture or historic preservation, shall be appointed by the Planning Board. The length of the terms of the Design Review Committee members shall be the same as the Planning Board.

(B) The Design Review committee shall review and comment upon applications prior to their action by the Planning Board.

(C) All applications shall be evaluated in regard to their overall quality of design and for conformity with the Architectural Design Guidelines and the appearance standards adopted by reference herein.

(D) The City of Concord Architectural Design Guidelines, dated August 29, 1990, are herein adopted and incorporated as part of these regulations.

AMENDMENTS TO SITE PLAN REVIEW REGULATIONS

APRIL 1991

City Planning Board
City of Concord, New Hampshire

4/03/91

Revise section 8.11, Architectural Design Guidelines and Standards, by amending section 8.11(D) to read as follows:

8.11 Architectural Design Guidelines and Standards:

(D) The City of Concord Architectural Design Guidelines, dated August 29, 1990, are herein adopted and incorporated as part of these regulations. The following amendments to The City of Concord Architectural Design Guidelines are herein adopted and incorporated as part of these regulations.

<u>Date</u>	<u>Section</u>	<u>Amendment</u>	<u>Page</u>
4/03/91	6.2	Suburban Development (SD) Overlay District	31-4

4/03/91

TABLE OF CONTENTS - Continued

PAGE

5.4 SIGNAGE

21

- A. Scale and Proportion
- B. Materials
- C. Illumination
- D. Coordination
- E. Logos and Graphics

5.5 CASE STUDY

23

- A. Typical Shopping Complex

6. SPECIAL DISTRICT STANDARDS

24

6.1 GATEWAY BUSINESS (BF)

24

- A. Natural Environment
- B. Buffers
- C. Vehicular and Pedestrian Access
- D. Landscaping and Parking
- E. Signage
- F. Building Features
- G. Acceptable Materials
- H. Flags

6.2 SUBURBAN DEVELOPMENT (SD) OVERLAY DISTRICT

31

- A. Screens and Buffers
- B. Vehicular and Pedestrian Circulation
- C. Landscaping
- D. Signage
- E. Building Features and Materials
- F. Utilities and Lighting

6.3 RESERVED

6.2 SUBURBAN DEVELOPMENT (SD) OVERLAY DISTRICT

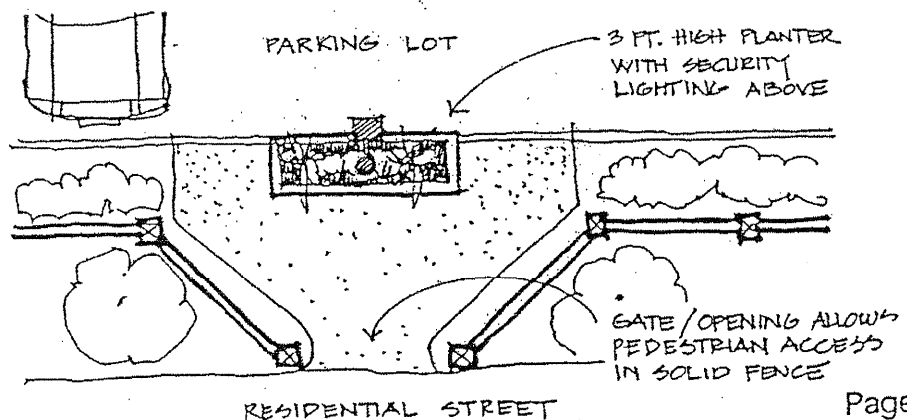
One of the main reasons for creating the Suburban Development (SD) Overlay District is to enhance the roadside appearance along major roadways which lead to the center of Concord. In most cases, the project development will be concentrated along the road edge and will be surrounded by residential areas. The integration of the overall site development with the site's vehicular and pedestrian entries will be a major consideration for determining the success of a project. A responsive design will also develop the required visibility for a project through careful placement of the buildings and landscaping.

A. Screens and Buffers

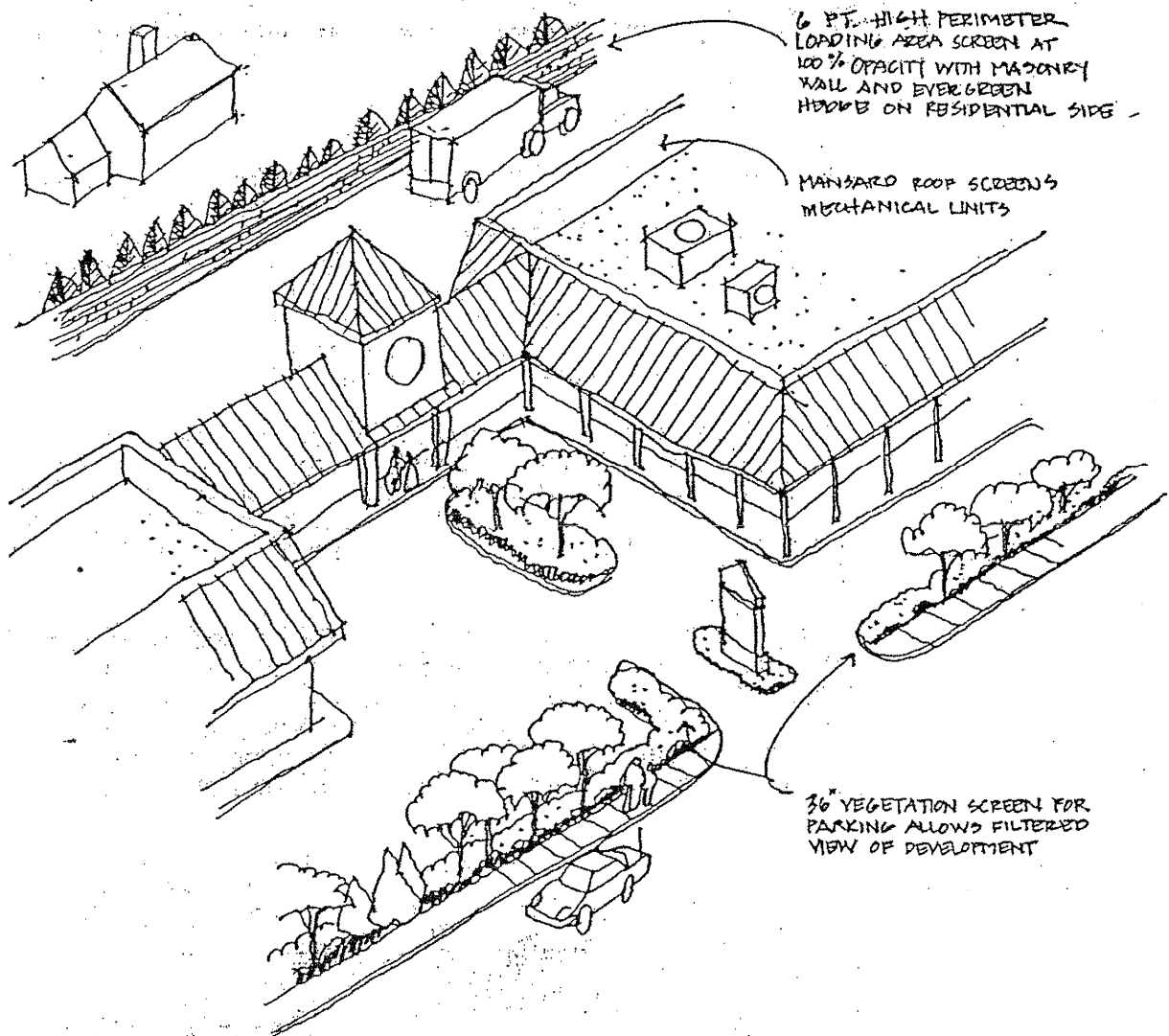
The high visibility of the development which occurs along the arterial roadways within the SD District requires special treatment in order to screen undesirable views of parking and service areas. Negative visual, acoustical and environmental impacts on neighboring residential districts can be controlled with effective screening and buffering materials. These screens and buffers are crucial to the mutual existence of the residential areas and the commercial developments.

Different degrees of opacity for screening can be obtained through the varied use of dense evergreen materials or loose deciduous trees and shrubs, closed or open fencing, and earth forms such as berms. Typically, a combination of these items provides the best design and accomplishes the desired screening effect.

Most developments will require pedestrian access from surrounding residential areas. Perimeter screening design shall provide safe pedestrian access points by using visually open gates and security lighting. Staggered openings in the screening material and the planting scheme will allow for pedestrian access while blocking negative views of the site.



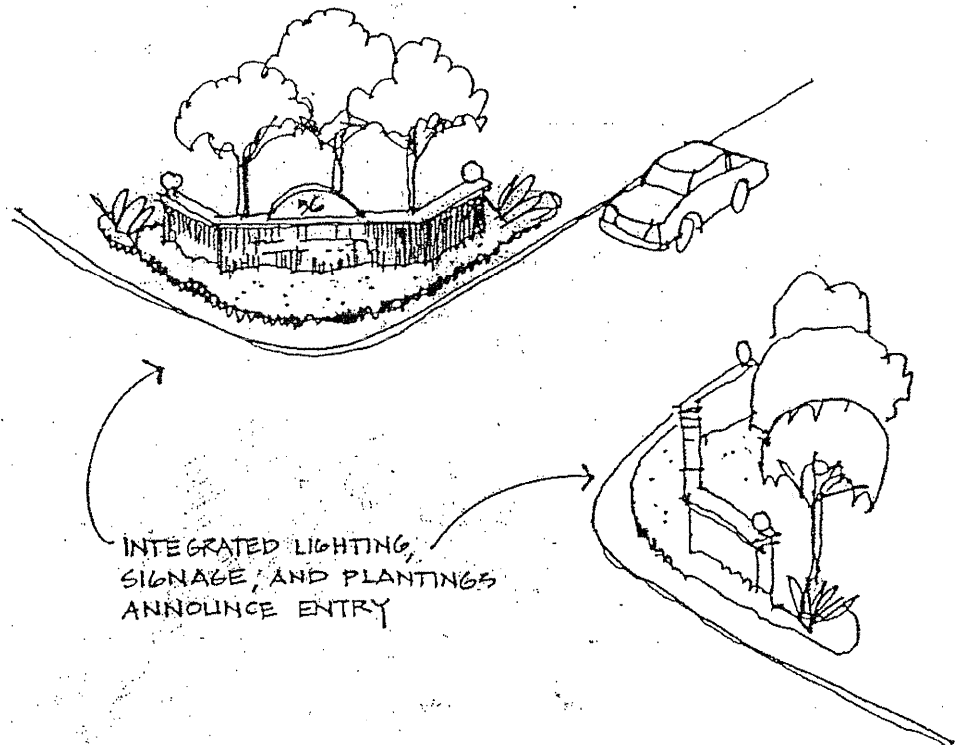
Screening shall be 100% opaque up to six feet along boundary lines adjoining residential areas. The standards for other site screening opacities will be site specific and evaluated for the type of development. The treatment of adjoining properties will also help determine the screening requirements.



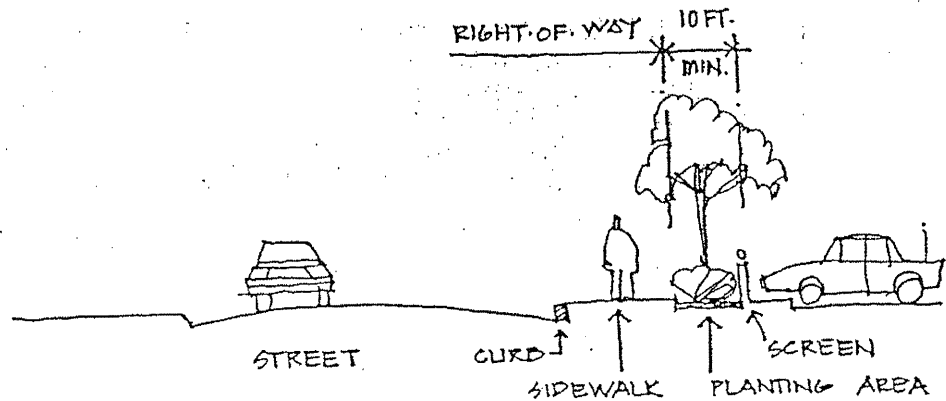
B. Vehicular and Pedestrian Circulation

The critical design elements for site circulation should address vehicular roadways, entries, parking lots and pedestrian access. The roadway entry treatment and the integration with the internal site organization will determine the effectiveness of the overall site layout. Special consideration should be given in separating pedestrian pathways from large parking areas, which is crucial for a safe development.

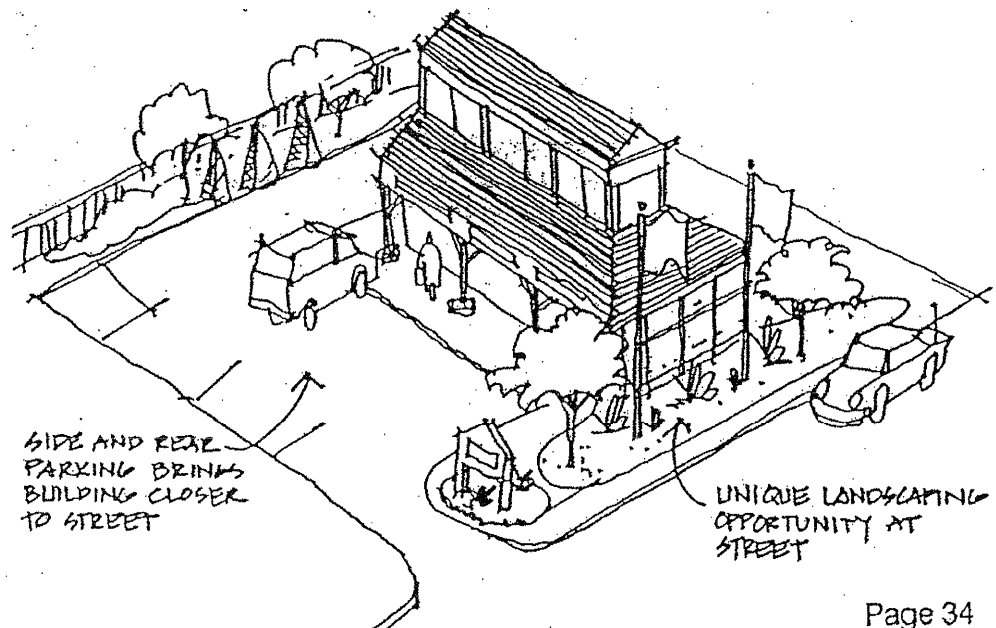
The overall vehicular entry to the project will require careful design treatment because of the high volume of roadway traffic. The design character of the entry treatment should respond to the overall design theme. These announcements for the entries can be enhanced through the use of effective landscape lighting, integral signage, planting beds and varied earth forms.



Sidewalks should be provided at the edge of roadways and connected to on-site pedestrian paths within the overall development. The edge of the walkway should be curbed to differentiate the walkways from the roadways. A ten foot planting strip is required at the edge of the right-of-way which will create a landscaped area between the parking areas and the off-site sidewalks.



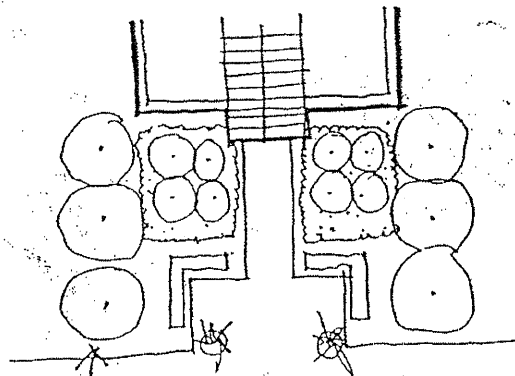
The overall parking lot size, arrangement and circulation should conform to existing topography where possible. Clustering of small parking areas is desirable to reduce large, unbroken areas of pavement and should be oriented toward the side and rear yards of the development. This will allow for placing the building closer to the road edge which can add additional landscaping areas and enhance the street image of the development.



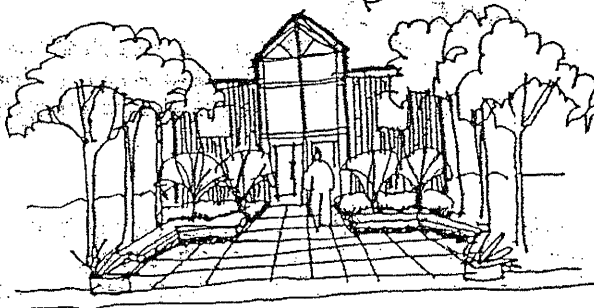
C. Landscaping

The overall requirements for existing landscaping, which are covered in the general criteria, will again pertain to this district. Additional emphasis will be required for the screening treatments and the street edge of the development. A variety of planting techniques can be used to either frame views, provide formal or informal settings, and develop special landscape features.

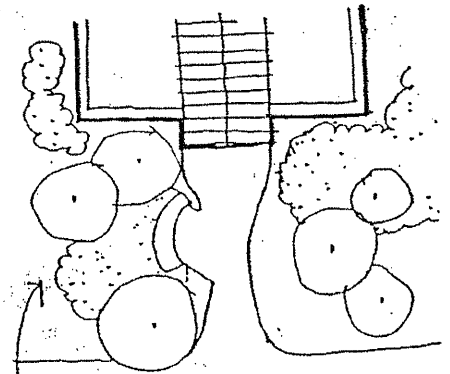
FORMAL PLAN



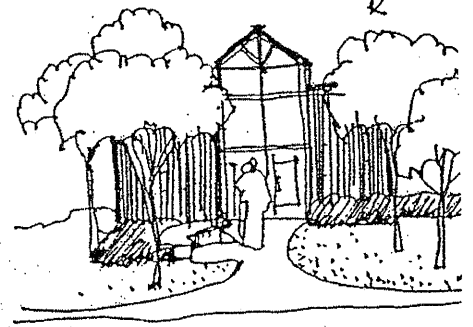
SHADE TREES AND ORNAMENTAL SHRUBS ARE PLANTED IN GEOMETRICAL AND SYMMETRICAL PATTERNS WHICH FRAME ENTRY



INFORMAL PLAN



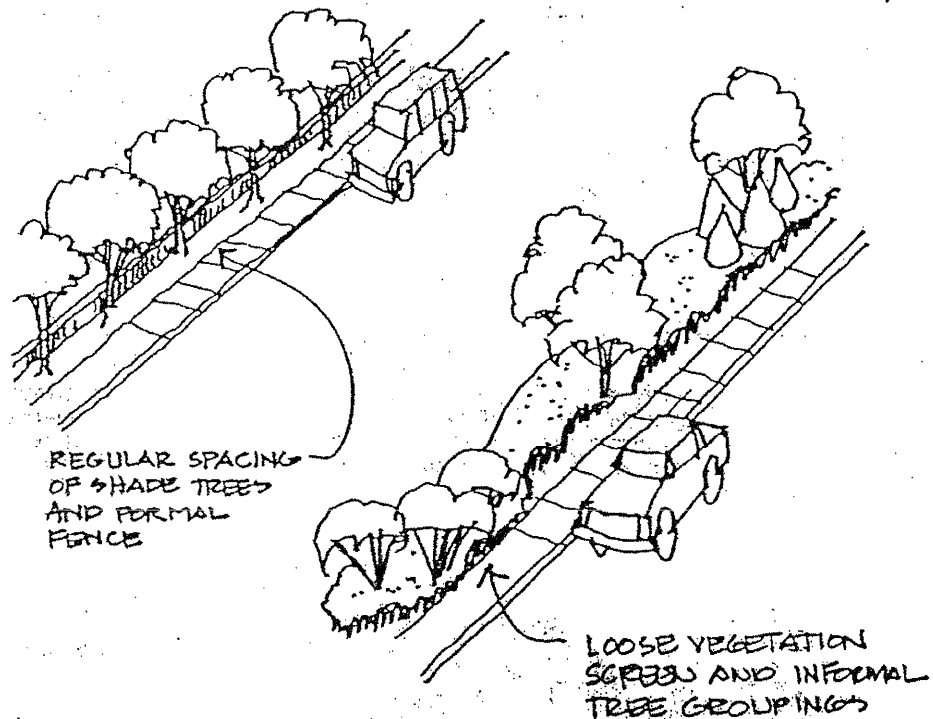
NATURALISTIC GROVES OF SHADE TREES AND LOOSE SHRUB PLANTINGS CREATE INFORMAL SETTING



A strong, bold design is desirable because of the reduced green space that typically remains after the building and parking is placed on a given site. More landscaping impact will be obtained with a concentrated area of planting which is integrated with the overall design theme.

Different types of plant materials which include deciduous canopy trees, evergreen trees, ornamental flowering shrubs and various ground covers should be used where possible. Even with the short growing season, perennials and annuals in lawn areas help to improve the overall appearance.

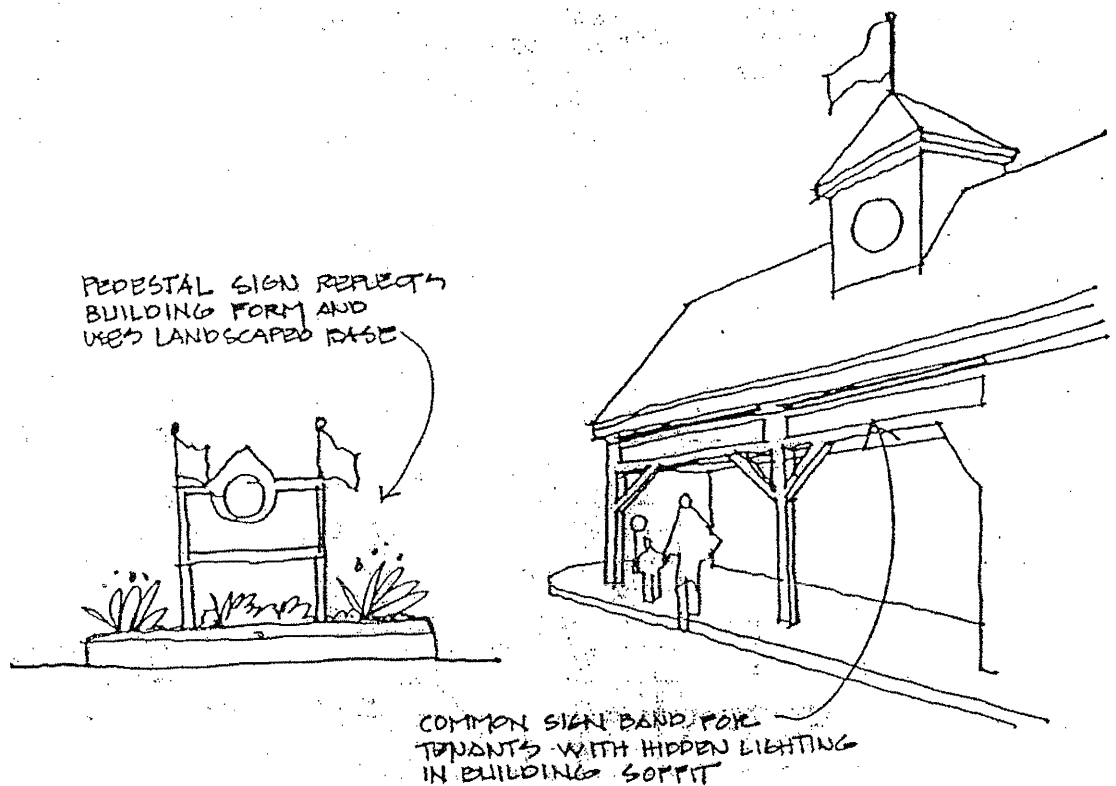
The minimum island size shall be nine feet in any direction. This provides space for a generous planting bed and protection of plant materials during the snow plowing season.



The required ten-foot wide landscaped area along the right-of-way should be used to screen large parking areas. A 36" high wall or vegetation hedge can buffer parking areas and still provide a filtered view to the commercial activity. Shade trees can be regularly spaced for a formal arrangement or placed in irregular clusters for an informal setting. The existing plantings and placement of adjacent development street plantings should be considered in developing a compatible street-side scheme.

D. Signage

All signage shall conform to the City's sign ordinance. The commercial character of these projects will require coordinated signage throughout the development. This could include identification signs, directories and individual tenants. Consistent sizes, compatible colors and common letter styles should be developed to create continuity for the project signage.

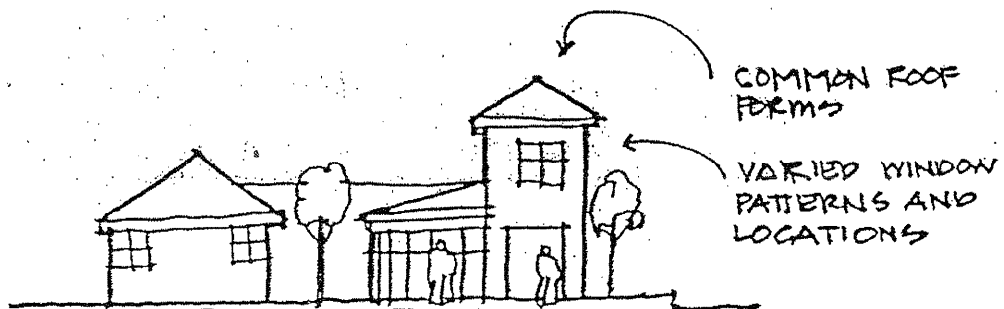
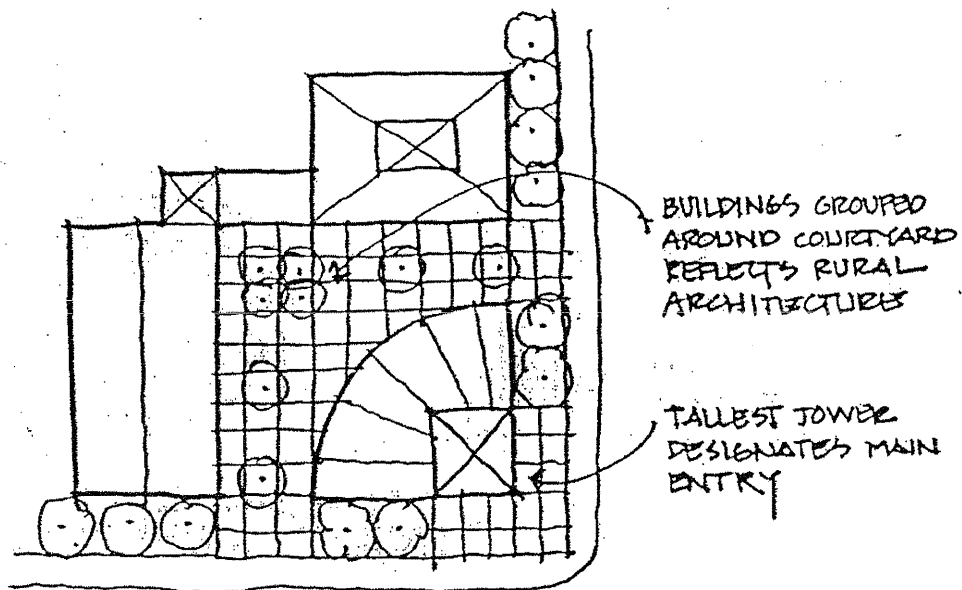


The main sign at the street should identify the overall project and provide a small directory, if required. The sign should be compatible with the overall development in form and material which should reinforce the overall design theme. A planter/landscaped area shall be provided at the identification sign which equals twice the total surface area of the sign.

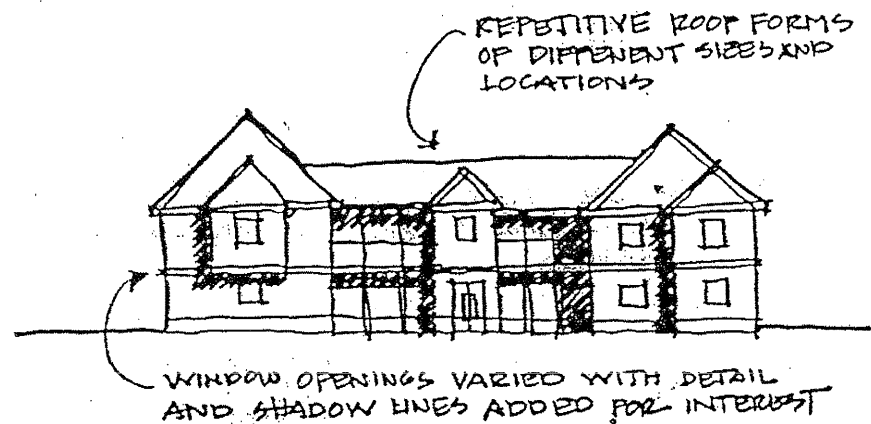
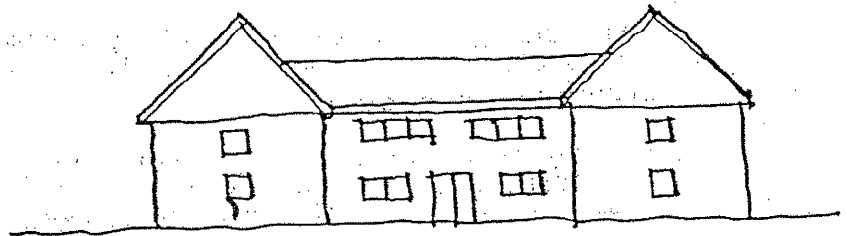
E. Building Features and Materials

The design of the architectural elements of a project will be a major factor in determining the visual quality of the development. The more successful projects will draw from regional references and use similar building materials and building shapes throughout the project. Groupings of buildings can reflect the New England residential and rural character and provide an interesting human scale to the project.

The use of common building features in a variety of settings which are organized around a design theme will help unify the project. Building elements which have varied offsets, roof heights and forms can create focal points and establish a hierarchy among the development's components. Varying the placement of windows and adding elements which form shadows and detail special features will add interest to an otherwise plain building.



The color, texture and type of materials should be considered for their overall effect on the building design. Typically, one or two different materials used throughout the project with varied colors and patterns will be more cost-effective and have a stronger impact than a variety of multiple materials which will add visual chaos to the design.



Because of the neighboring residential districts, a pitched or an appearance of a pitched roof is critical for the project. A mansard roof, which can help screen roof-top mechanical equipment, is one appropriate alternative and will reflect the New England character of the Concord area.

No unclad masonry block construction or corrugated metal may be used when visible from any public space, adjacent residential areas or roadways.

All roof-top mechanical equipment shall be enclosed with the same material as the building cladding. The overall effect of this screening will be reviewed relative to adjacent properties and their associated building heights and floor elevations.

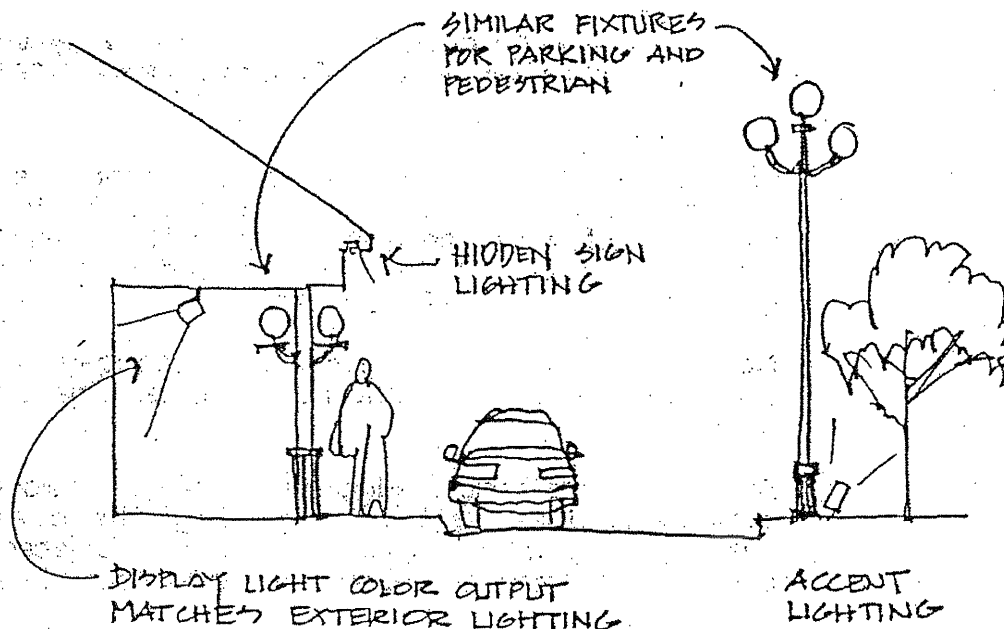
F. Utilities and Lighting

All service connections to new buildings from existing roadway utilities shall be underground. It is desirable to move pole mounted transformers to ground mounted pad installations where possible. This will help reduce the visual clutter along the street edge which can have a major impact on the street image of the overall development.

The major goal of the exterior lighting should be to help make the development feel safe and identify and accent key elements in the project's design.

Lighting poles and structures should be appropriately scaled and styled for the project. Pedestrian areas should have poles twelve to fourteen feet high and parking areas should have poles twenty to twenty-five feet high. The pole heights will determine the overall spacing of the poles and luminaries should be shielded to reduce glare. Off-site illumination to adjacent properties shall not exceed 0.2 footcandles as measured at the property line.

The coordinated style of the parking and pedestrian light fixtures should be compatible with the building lighting which will allow for a contiguous appearance for the project. The overall quality of the lighting can be enhanced by using the lamp color output which will be similar to adjacent street lighting.



AMENDMENTS TO SITE PLAN REVIEW REGULATIONS

December 1991

City Planning Board
City of Concord, New Hampshire

rev. 12/23/91

Delete subsection 10.01 and replace with the following:

Section 10 Fees

10.01 Application Fee: Any application for approval by the Planning Board of a Large Scale Development, site plan review or Architectural Design Review shall be accompanied by a non-refundable fee according to the following schedule:

(A) Residential Development:

One hundred fifty dollars (\$150.00) plus sixty dollars (\$60.00) for each new or redeveloped dwelling unit.

(B) Non-residential Development:

One hundred fifty dollars (\$150.00) plus sixty dollars (\$60.00) for each new or redeveloped 1,000 square feet of gross floor area or part thereof.

(C) Architectural Design Review:

One hundred fifty dollars (\$150.00) for those applications being considered only under the Architectural Design Review provisions of the Zoning Ordinance.

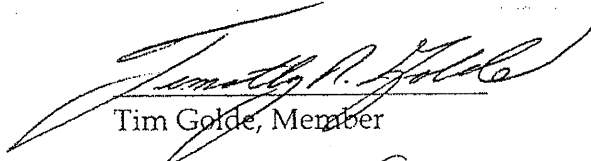
CERTIFICATION

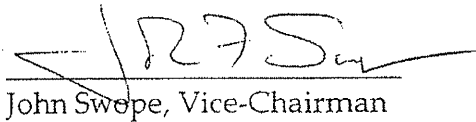
Pursuant to RSA 675:6 (III)

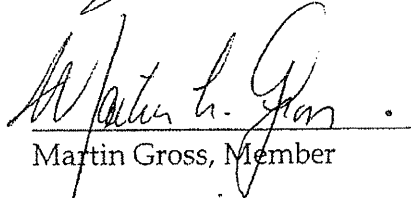
These amendments to the Site Plan Review Regulations were adopted on November 14, 2001, at a meeting of the City Planning Board, after a duly notified Public Hearing and consideration of testimony received. Seven members of the Board were present and voted unanimously in favor of adopting these amendments which shall take effect upon the adoption of the proposed Zoning Ordinance by the City Council. Subsequently, the Zoning Ordinance was adopted on November 29, 2001, which is the effective date of these regulations.

Attest: City Planning Board
City of Concord
New Hampshire

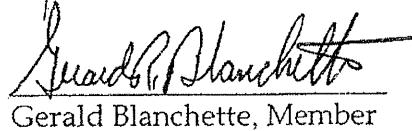

Gerald Drypolcher, Chairman

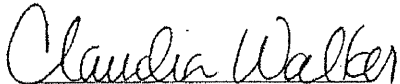

Tim Golde, Member


John Swepe, Vice-Chairman


Martin Gross, Member

Barbara Kuhlman Brown, Member


Gerald Blanchette, Member


Claudia Walker, Member

PROPOSED AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS

**City Planning Board
City of Concord, N.H.**

October 12, 2001

I. Amend **Section 1. AUTHORITY**, by deleting the current Section 1.01 and replacing it with the following:

Pursuant to the authority vested in the Concord Planning Board by the City of Concord, New Hampshire, and in accordance with the provisions of RSA 674:43 and 44, and with Chapter 28, Zoning Ordinance, of the Code of Ordinances of the City of Concord, New Hampshire, the Planning Board hereby adopts these regulations governing the review and approval or disapproval of site plans within the City of Concord, New Hampshire.

II. Amend **Section 3. JURISDICTION**, by deleting the current Section 3.01 and replacing it with the following:

These regulations pertain to proposed residential and non-residential developments as specified in Chapter 28, Zoning Ordinance, of the Code of Ordinances of the City of Concord, New Hampshire. No building permit shall be issued for any construction or for any change of use for which approval is required pursuant to these regulations unless a Certificate of Approval has first been issued in accordance these regulations.

III. Amend **Section 5. DEFINITIONS**, by making the following changes to Section 5.01:

- Change the statutory reference under the definition of ABUTTER to RSA 672:3, and delete the word "river" from the definition.
- Delete the definition of CITY ENGINEER
- Change the reference to the State regulatory agency under the definition of INDIVIDUAL SEWAGE DISPOSAL SYSTEM to New Hampshire Department of Environmental Services (NHDES) – Water Division (WD)
- Change the statutory reference under the definition of MASTER PLAN REPORT to RSA 674:2 – 4.
- Change the statutory reference under the definition of PLANNING BOARD to RSA 673:2.
- Add a definition of DEVELOPMENT OF REGIONAL IMPACT as follows: A proposed development that is located on a lot which (a) is immediately adjacent to or transected by a municipal boundary; or (b) is accessible by road only by passing through another municipality.
- Replace the definition of WETLAND as follows: "Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation adapted

for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas.

IV. Amend Section 10. FEES, by deleting the current Section 10.01 and replacing it with the following:

10.01 Application Fees. Any application for approval by the Planning Board shall be accompanied by a non-refundable fee according to the following schedule:

(A) Major and Minor Site Plan Review Applications, inclusive of Architectural Design Review and Conditional Use Permits Applications:

(1) Residential development: Two hundred ten dollars (\$210.00) plus sixty-five dollars (\$65.00) for each new or redeveloped dwelling unit; and

(2) Non-residential development: Two hundred ten dollars (\$210.00) plus sixty-five dollars (\$65.00) for each one thousand (1,000) square feet or part thereof of new or redeveloped gross floor area.

(B) Applications solely for Architectural Design Review, or a Conditional Use Permit:

One hundred five dollars (\$105.00) plus sixty-five dollars (\$65.00) for each one thousand (1,000) square feet or part thereof of new gross floor area, plus ten dollars (\$10.00) for each one thousand (1,000) square feet or part thereof of renovated gross floor area.

V. Add a new Section 11. MINOR SITE PLAN REVIEW, as follows:

11.01 Establishment of a Technical Review Committee. In accordance with the provisions of RSA 674:43, Power to Review Site Plans, and the authorization of Chapter 28, Zoning Ordinance, of the Code of Ordinances of the City of Concord, New Hampshire, a Technical Review Committee (TRC) is hereby established, consisting of five (5) members and up to three (3) alternate members. The members and alternates shall be comprised of the following members of the professional staff of the Community Development Department: the City Planner, the Assistant City Planner, either or both of the Planners, the Code Administrator, the City Engineer, the Associate Engineer, and the Engineering Division Project Manager. A quorum shall consist of three (3) members, one (1) of whom must be from the Planning Division and who shall chair the meeting.

11.02 Delegation of Authority to Review Minor Site Plans. The Technical Review Committee (TRC) is hereby authorized to review and approve, or approve with conditions, or disapprove applications for minor site plans in accordance with the review thresholds established in Chapter 28, Zoning Ordinance, of the Code of Ordinances.

11.03 Application Procedure for Minor Site Plan Review.

- (A) Application Fees. At the time of application, a non-refundable fee shall be submitted together with the application to cover the costs of the advertising, notification, and processing of the application. The amount of the application fee shall be in accordance with the requirements of Section 10. FEES, of these regulations.
- (B) Application Requirements. An application shall be filed at least twenty (20) days before a regularly scheduled meeting of the Technical Review Committee (TRC). An application to the TRC shall include the following:
- (1) Application forms, an abutters list, and supporting documentation shall be submitted in accordance with Section 7.06(A) and 7.06(B)(2) and (3), of these regulations;
 - (2) An existing conditions plan shall be submitted in accordance with Section 7.03(A) and (B), of these regulations;
 - (3) A site plan shall be submitted in accordance with Section 7.04(A) and (B), of these regulations; and
 - (4) Where the application includes proposed construction of, or additions to, a building or structure, architectural elevations shall be submitted in accordance with Section 7.05(A) and (B), of these regulations.
- (C) Notification, Determination of Completeness, and Hearing Requirements for Minor Site Plans. The notification, determination of completeness, and hearing requirements for minor site plan review shall be in accordance with Section 6.02(B), (C), and (D), except that the TRC shall be responsible for the determination of completeness and the holding of a hearing.
- (D) Transfer of Review to the Planning Board. The review of a minor site plan may be transferred to the Planning Board under the following circumstances:
- (1) The applicant may, at the time of application, request that the TRC transfer the review and consideration of the application to the Planning Board, in which case, the application shall, without further action by the TRC, be considered by the Planning Board in accordance with the standard procedures for major site plans;
 - (2) An abutter may, upon receipt of the notice of consideration of a minor site plan application by the TRC, request that the TRC transfer the review and consideration of the application to the Planning Board, in which case, the application shall, without further action by the TRC, be considered by the Planning Board in accordance with the standard procedures for major site plans. Such a request by an abutter must be received by the TRC prior to the specified day of the hearing;
 - (3) The TRC may, upon receipt of an application and prior to sending notices thereon, transfer the review and consideration of the application to the Planning

Board, in which case, the application shall, without further action by the TRC, be considered by the Planning Board in accordance with the standard procedures for major site plans. Such a transfer shall be made for developments of regional impact or where the TRC finds that the application may have unusual impacts that would more appropriately be reviewed and considered by the Planning Board.

11.04 Consideration of and Action on the Application.

- (A) Period of Consideration. The Technical Review Committee (TRC) shall have up to sixty (60) days within which to consider and act on an application that has been determined complete.
- (B) Action on the Application. The TRC shall approve, approve with conditions, or disapprove each application upon which a hearing has been held. Action on the application may be tabled by the TRC from the date of the hearing to another meeting of the TRC. A concurring vote of three members of the TRC shall be necessary for a decision on an application. Only members of the TRC who were present at the hearing may vote on the application.
- (C) Issuance of a Decision. Within one hundred forty-four (144) hours after a vote on an application, a written record of the decision shall be available for public inspection at the office of the Planning Board. The record of decision shall state whether the application was approved or disapproved, include any conditions if approved, and state the reasons for the decision.
- (D) Issuance of a Certificate of Approval. If the application was approved by the TRC, a Certificate of Approval endorsed by the Clerk of the Planning Board shall be forwarded to the applicant and the Code Administrator. If the application was denied by the TRC, a copy of the record of decision shall be sent to the applicant by first class mail.
- (E) Stipulations of Approval. In approving an application, the TRC may attach reasonable conditions to its approval. Representations made at a public hearing or in material submitted to the TRC by an applicant shall be deemed to be conditions of the issuance of the Certificate of Approval. The TRC may require that conditions of approval be annotated on the site plan, or otherwise recorded at the Merrimack County Registry of Deeds.
- (F) Effective Period of the Certificate of Approval. The Certificate of Approval shall be valid for a period of two (2) years from the date of the decision of the Technical Review Committee (TRC). All permits shall be received, all bonded improvements, completed, and all other improvements completed within the two year period, unless the TRC grants an extension of the period of validity which may be for up to a maximum time period of one (1) additional year.

- (A) Appeals to the Planning Board. An appeal from a decision of the Technical Review Committee (TRC) must be taken to the Planning Board within twenty (20) days of the date of the decision of the TRC. The Planning Board shall affirm, affirm with conditions, or reverse the decision of the TRC.
- (B) Appeals to Superior Court. Any persons aggrieved by a decision of the Planning Board on an appeal from a decision of the Technical Review Committee (TRC) may in turn appeal the Planning Board's decision to the Superior Court in the manner provided by RSA 677:15, Court Review.

VI. Add a new Section 12. **CONDITIONAL USE PERMITS**, as follows:

12.01 Application Procedure for a Conditional Use Permit. An application for approval of a conditional use permit shall be filed with the Planning Board. The following procedures shall apply to the processing of such application:

- (A) Procedure if Subdivision or Site Plan Approval Also Required. Where other development approvals including subdivision or site plan approval by the Planning Board are required for the use for which a conditional use permit is sought, the application for a conditional use permit may be made concurrently with the application for subdivision or site plan approval, and in accordance with the procedures specified in the Subdivision Regulations or in these Site Plan Review Regulations, as applicable to the particular development.
- (B) Procedure if Subdivision or Site Plan Approval Not Required. Where no subdivision or site plan approval would otherwise be required for the use for which a conditional use permit is sought, the application procedure for conditional use permits shall be in accordance with the requirements of Sections 6.02(B) and (D), and Section 6.03(A) of these Site Plan Review Regulations with respect to the requirements for public notice, hearings, and the timing of decisions by the Planning Board.
- (C) Application Fees. At the time of application, a non-refundable fee shall be submitted together with the application to cover the costs of the advertising, notification, and processing of the application. The amount of the application fee shall be in accordance with the requirements of Section 10. FEES, of these regulations.
- (D) Decision on the Application. Following a public hearing, the Planning Board shall act to approve an application, deny it, or approve it with conditions, and within seventy-two (72) hours after a vote on an application, shall issue a written record of the decision which shall be available for public inspection at its office. The record of decision shall state whether the application was approved or denied, include any conditions if approved, and in the event of disapproval, state the reasons for the decision.

- (E) Stipulations of Approval. In granting a conditional use permit application, the Planning Board may attach reasonable conditions to its approval, including but not limited to the phasing of a development, where such conditions are shown to be necessary to further the objectives of this ordinance or the Master Plan, or which would otherwise allow the general conditions of this Article to be satisfied. Representations made at a public hearing or in material submitted to the Planning Board by an applicant in order to obtain a conditional use permit shall be deemed to be conditions of the issuance of the permit. The Planning Board may require that conditions of approval be annotated on a site plan or subdivision plat, or otherwise recorded at the Merrimack County Registry of Deeds.
- (F) Appeals. Any persons aggrieved by a Planning Board decision on a conditional use permit may appeal that decision to the Superior Court in the manner provided by RSA 677:15, Court Review. A Planning Board decision on the issuance of a conditional use permit cannot be appealed to the Zoning Board of Adjustment in accordance with RSA 676:5, III, Appeals to the Board of Adjustment.

PROPOSED AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS

City Planning Board
City of Concord, N.H.

December 12, 2002

I. Amend Section 6. **SITE PLAN REVIEW APPLICATION PROCEDURE AND APPROVAL PROCESS**, by deleting the words "return receipt requested" from Section 6.02 (B), Notice to Applicant, Abutters and Public, so that said Section 6.02(B) reads as follows:

The Planning Board shall notify the abutters and the applicant by certified mail of the date of the meeting at which the application will be formally received by the Board. Notice will be mailed at least ten (10) days prior to the date of the meeting. The Planning Board shall notify the public at the same time by posting the notice at City Hall, City Library and the Police Station Kiosk.

II. Amend Section 10. **FEES**, by deleting the current Section 10.01 and replacing it with the following:

10.01 Application Fees. Any application for approval by the Planning Board shall be accompanied by a non-refundable fee according to the following schedule:

(A) Major and Minor Site Plan Review Applications, inclusive of related Architectural Design Review and Conditional Use Permits Applications:

(1) Residential development: Two hundred thirty dollars (\$230.00) plus seventy-five dollars (\$75.00) for each new or redeveloped dwelling unit; and

(2) Non-residential development: Two hundred thirty dollars (\$230.00) plus seventy-five dollars (\$75.00) for each one thousand (1,000) square feet or part thereof of new or redeveloped gross floor area.

(B) Applications solely for Architectural Design Review:

One hundred fifteen dollars (\$115.00) plus seventy-five dollars (\$75.00) for each one thousand (1,000) square feet or part thereof of new gross floor area, plus fifteen dollars (\$15.00) for each one thousand (1,000) square feet or part thereof of renovated gross floor area.

(C) Applications solely for a Conditional Use Permit, other than a Conditional Use Permit for Wireless Telecommunications Equipment

*Proposed Amendments to the Site Plan Review Regulations
December 12, 2002*

Two hundred thirty dollars (\$230.00) plus seventy-five dollars (\$75.00) for each one thousand (1,000) square feet or part thereof of new gross floor area, plus fifteen dollars (\$15.00) for each one thousand (1,000) square feet or part thereof of renovated gross floor area.

- (D) Applications for a Conditional Use Permit for Wireless Telecommunications Equipment:

Five hundred dollars (\$500.00) per application.

III. These amendments to the Site Plan Review Regulations shall take effect upon adoption by the Planning Board after a duly noticed public hearing, and upon the subsequent certification of the adopted amendments to the City Clerk in accordance with RSA 675:6 III.

PROPOSED AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS

City Planning Board
City of Concord, N.H.

January 21, 2004

I. Amend Section 10. FEES, by deleting the current Section 10.01 and replacing it with the following:

10.01 Application Fees. Any application for approval by the Planning Board shall be accompanied by a non-refundable fee according to the following schedule:

(A) Major and Minor Site Plan Review Applications, inclusive of Architectural Design Review and Conditional Use Permits Applications:

(1) Residential development: Two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) for each new or redeveloped dwelling unit; and

(2) Non-residential development: Two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) for each one thousand (1,000) square feet or part thereof of new or redeveloped gross floor area.

(3) Applications that have been set for a public hearing with notice provided, and for which the applicant requests that the hearing be re-scheduled: Two hundred fifty dollars (\$250.00) for each occasion that a public hearing is requested to be re-scheduled after notice of a hearing is already posted and mailed.

(4) Applications which have been granted final approval or conditional final approval by the Planning Board, and for which subsequent consideration by the Board is requested by the applicant or otherwise necessitated by changes to the approved plans: Two hundred fifty dollars (\$250.00) for each discrete consideration.

(5) Applications for which legal documents have been recorded at the Merrimack County Registry of Deeds (MCRD), and for which corrected legal documents, or additional legal documents are subsequently submitted for recording at the MCRD: Fifty dollars (\$50.00) plus the cost of the recording fees as charged by the MCRD.

(B) Applications solely for Architectural Design Review:

One hundred fifty dollars (\$150.00) plus one hundred dollars (\$100.00) for each one thousand (1,000) square feet or part thereof of new gross floor area, plus fifty dollars

*Proposed Amendments to Site Plan Review Regulations
January 21, 2004*

(\$50.00) for each one thousand (1,000) square feet or part thereof of renovated gross floor area.

- (C) Applications solely for a Conditional Use Permit, other than a Conditional Use Permit for Wireless Telecommunications Equipment

Two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) for each one thousand (1,000) square feet or part thereof of new gross floor area, plus fifty dollars (\$50.00) for each one thousand (1,000) square feet or part thereof of renovated gross floor area.

- (D) Applications for a Conditional Use Permit for a wireless telecommunications :

Six hundred fifty dollars (\$650.00)

II. These amendments to the Site Plan Review Regulations shall take effect upon adoption by the Planning Board after a duly noticed public hearing, and upon the subsequent certification of these amendments to the City Clerk in accordance with RSA 675:6 III.

PROPOSED AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS

**City Planning Board
City of Concord, N.H.**

November 17, 2004

- I. Amend Section 6.02 Application Procedure and Requirements, by adding to Section 6.02(A), a new subsection (9), as follows:

“(A)(9) be accompanied by the results of special investigative studies performed by the applicant, the review of the same by the Board’s consultants, and the applicant’s response to the review comments made by the Board’s consultants.”

- II. Further amend Section 6.02 Application Procedure and Requirements, by deleting the current Section 6.02(C), and replacing it with the following:

“(C) Determination if Application is Complete. Upon receipt of an application, the Board shall determine if the application is complete pursuant to Section 6.02(A) above. If it is determined that the application is complete, the Board shall accept the application for consideration and set a date for a public hearing on the complete application no sooner than the next regular meeting of the Board. If it is determined that the application is incomplete, the Board shall specify the reasons that the application is deemed incomplete and take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness. In making a determination of completeness, the Board shall consider the written recommendation of the City Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; however, no hearing shall be opened nor shall testimony be received on a determination of completeness.”

- III. Further amend Section 6.02 Application Procedure and Requirements, by renumbering Section 6.02(D) to be Section 6.02(E), and replacing the current Section 6.02(D), Public Hearing, with the following Section 6.02(E), Public Hearing :

“(E) Public Hearing. The Planning Board shall hold a public hearing on an application which has been determined to be complete. Notice of the public hearing shall be given as described in 6.02(B) above, except where the application has been determined to be of potential regional impact pursuant to Section 6.02(D) above, additional notification shall be provided to the Central New Hampshire Regional Planning Commission (CNHPRC) and those neighboring towns which the Board deems to be affected by the application.

*Proposed Amendments to the Site Plan Review Regulations
November 17, 2004*

The notice for a development determined to be of potential regional impact shall be sent by certified mail at least fourteen (14) days prior to the date of the meeting. Any abutter or any person showing a direct interest in the matter may testify in person or in writing. Where an application has been determined to be of potential regional impact, the CNHRPC and those towns which have been notified, are deemed to have the status of abutters for the limited purpose of providing testimony."

- IV. Further amend Section 6.02 Application Procedure and Requirements, by adding a new Section 6.02(D), Determination of Regional Impact, as follows:

"(D) Determination of Regional Impact. Upon receipt of an application, the Board shall determine whether or not the application, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the application has a potential regional impact. The Board shall determine an application to have the potential for regional impact on neighboring municipalities, because of factors including, but not limited to, the following:

- (1) Proximity of the site to the municipal boundaries.
- (2) Access to, and egress from the site via regional arterial routes, and/or local streets that cross municipal boundaries.
- (3) Anticipated emissions from the site such as light, noise, smoke, odors, or particles.
- (4) Proximity of the site to aquifers, surface waters, or other water resources which transcend municipal boundaries.
- (5) Proximity of the site to existing public water supplies."

- V. Amend Section 10.01 Application Fees, by adding to Section 10.01(A) a new subsection (6), as follows:

"(A)(6) Applications that have been determined incomplete by the Planning Board, and for which a subsequent determination of completeness by the Board is requested by the applicant: Two hundred fifty dollars (\$250.00) for each discrete determination of completeness by the Board."

- VI. These amendments to the Site Plan Review Regulations shall take effect sixty (60) days after adoption by the Planning Board following a duly noticed public hearing, and the subsequent certification of the amendments to the City Clerk in accordance with RSA 675:6 III.

AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS

City Planning Board
City of Concord, N.H.

Adopted: December 15, 2004
Certified to the City Clerk: December 16, 2004

- I. Amend Section 6.02 Application Procedure and Requirements, by adding to Section 6.02(A), a new subsection (9), as follows:

“(A)(9) be accompanied by the results of special investigative studies performed by the applicant, the review of the same by the Board’s consultants, and the applicant’s response to the review comments made by the Board’s consultants.”

- II. Further amend Section 6.02 Application Procedure and Requirements, by deleting the current Section 6.02(C), and replacing it with the following:

“(C) Determination if Application is Complete. Upon receipt of an application, the Board shall determine if the application is complete pursuant to Section 6.02(A) above. If it is determined that the application is complete, the Board shall accept the application for consideration and set a date for a public hearing on the complete application no sooner than the next regular meeting of the Board. If it is determined that the application is incomplete, the Board shall specify the reasons that the application is deemed incomplete and take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness. In making a determination of completeness, the Board shall consider the written recommendation of the City Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; however, no hearing shall be opened nor shall testimony be received on a determination of completeness.”

- III. Further amend Section 6.02 Application Procedure and Requirements, by renumbering Section 6.02(D) to be Section 6.02(E), and replacing the current Section 6.02(D), Public Hearing, with the following Section 6.02(E), Public Hearing :

“(E) Public Hearing. The Planning Board shall hold a public hearing on an application which has been determined to be complete. Notice of the public hearing shall be given as described in 6.02(B) above, except where the application has been determined to be of potential regional impact pursuant to Section 6.02(D) above, additional notification shall be provided to the Central New Hampshire Regional Planning Commission (CNHPRC)

*Amendments to the Site Plan Review Regulations
Adopted: December 15, 2004*

and those neighboring towns which the Board deems to be affected by the application. The notice for a development determined to be of potential regional impact shall be sent by certified mail at least fourteen (14) days prior to the date of the meeting. Any abutter or any person showing a direct interest in the matter may testify in person or in writing. Where an application has been determined to be of potential regional impact, the CNHRPC and those towns which have been notified, are deemed to have the status of abutters for the limited purpose of providing testimony."

- IV. Further amend Section 6.02 Application Procedure and Requirements, by adding a new Section 6.02(D), Determination of Regional Impact, as follows:

"(D) Determination of Regional Impact. Upon receipt of an application, the Board shall determine whether or not the application, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the application has a potential regional impact. The Board shall determine an application to have the potential for regional impact on neighboring municipalities, because of factors including, but not limited to, the following:

- (1) Proximity of the site to the municipal boundaries.
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- (3) Anticipated emissions from the site such as light, noise, smoke, odors, or particles.
- (4) Proximity of the site to aquifers, surface waters, or other water resources which transcend municipal boundaries.
- (5) Proximity of the site to existing public water supplies."

- V. Amend Section 10.01 Application Fees, by adding to Section 10.01(A) a new subsection (6), as follows:

"(A)(6) Applications that have been determined incomplete by the Planning Board, and for which a subsequent determination of completeness by the Board is requested by the applicant: Two hundred fifty dollars (\$250.00) for each discrete determination of completeness by the Board."

- VI. These amendments to the Site Plan Review Regulations shall take effect sixty (60) days after adoption by the Planning Board following a duly noticed public hearing, and the subsequent certification of the amendments to the City Clerk in accordance with RSA 675:6 III.

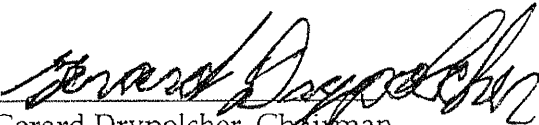
CERTIFICATION

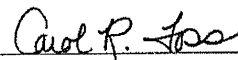
Pursuant to RSA 675:6 (III)

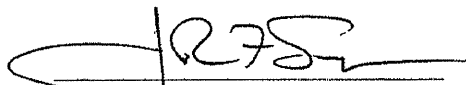
These amendments to the Site Plan Review Regulations were adopted on December 15, 2004, at a meeting of the City Planning Board, after a duly notified Public Hearing and consideration of testimony received. ~~11~~ members of the Board were present and voted 6-0 in favor of adopting these amendments. These amendments shall take effect sixty (60) days after the filing of a copy of this certificate with the City Clerk.


Attest:

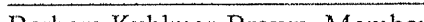
City Planning Board
City of Concord
New Hampshire

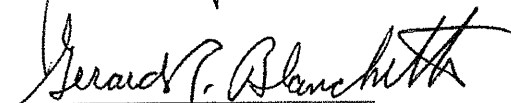

Gerard Drypolcher, Chairman



Carol Foss, Member


John Swope, Vice-Chairman


Martin Gross, Member


Barbara Kuhlman Brown, Member


Gerald Blanchette, Member


Keith Allberg, Alternate Member